



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON, D.C. 20370-5100

TJR  
Docket No: 2602-00  
23 October 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 12 October 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you enlisted in the Marine Corps on 2 March 1972 at the age of 20.

Your record reflects that during the period from 16 September to 26 December 1972 you received nonjudicial punishment (NJP) on three occasions for three periods of unauthorized absence (UA) totalling 11 days. During the period from 28 March to 3 December 1973 you received NJP on four more occasions for unbecoming conduct, disobedience, failure to obey a lawful order, absence from your appointed place of duty and a day of UA. On 7 June and again on 25 September 1973 you received NJP for two periods of UA totalling 25 days.

Your record further reflects that on 4 February 1975 you were convicted by summary court-martial of a 16 day period of UA. You were sentenced to a \$100 forfeiture of pay, confinement at hard labor for 30 days, and reduction to paygrade E-1.

On 2 July 1975 you began a 34 day period of UA that was not terminated until 5 August 1975. Subsequently, you were notified of pending administrative separation by reason of misconduct due to frequent involvement of a discreditable nature with military and civilian authorities and to avoid trial by court-martial for the foregoing period of UA. At this time you waived your rights to consult with legal counsel and to present your case to an administrative discharge board. Your commanding officer recommended you be issued an undesirable discharge by reason of unfitness other than honorable due to frequent involvement of a discreditable nature with military and civilian authorities. On 25 August 1975 the discharge authority approved this recommendation and directed your commanding officer to issue you an other than honorable discharge. On 10 September 1975 you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity and your contention that your NJPs were the result of your returning late to your duty station following the death of your mother. The Board also considered your contention that you would like your discharge upgraded because you have always felt that the characterization of service was wrong. However, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given the serious nature of your frequent misconduct and lengthy periods of UA, which resulted in nine NJPs and a court-martial conviction. Given all the circumstances of your case, the Board concluded your discharge was proper as issued and no change is warranted. Accordingly, your application has been denied.

The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director